

FILED

JAN - 6 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of ColumbiaIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PRINCE WILLIAM COUNTY, VIRGINIA,)

Plaintiff,)

v.)

ERIC HOLDER,)
Attorney General of the)
United States of America, *et al.*,)Defendants.)
_____)Case: 1:12-cv-00014
Assigned To : Huvelle, Ellen S.
Assign. Date : 1/6/2012
Description: 3-Judge Court**PLAINTIFF'S UNOPPOSED MOTION TO CONVENE THREE-JUDGE COURT**

The plaintiff Prince William County, Virginia, through counsel, respectfully moves this Court for entry of an order requesting the convening of a three-judge court.

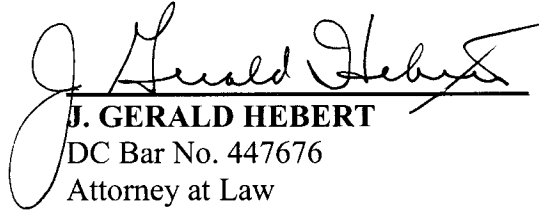
As grounds for this motion, the plaintiff would show unto the Court that:

1. Plaintiff Prince William County (the "County ") has filed this action pursuant to Section 4 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973b. Plaintiff's action seeks a declaratory judgment from this Court granting the County an exemption, known as a "bailout", from the special remedial provisions of the Voting Rights Act.
2. A three-judge court is required under Section 4 of the Voting Rights Act: "A district court of three-judges shall be convened to hear and determine the action." See 42 U.S.C. §1973b.
3. A memorandum of points and authorities accompanies this motion, and a proposed order is respectfully submitted for the Court's consideration.
4. Counsel for defendants has advised plaintiff's counsel that defendants do not oppose this motion.

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WHEREFORE, plaintiff respectfully prays that this Court will grant this motion and enter the attached order requiring the clerk of this Court to notify the Chief Judge of the United States Court of Appeals for the D.C. Circuit that a three-judge court is required to hear and determine this action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Gerald Hebert", is written over a horizontal line. The signature is fluid and cursive.

J. GERALD HEBERT

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Counsel for Plaintiff Prince William County

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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PRINCE WILLIAM COUNTY, VIRGINIA,)

Plaintiff,)

v.)

ERIC HOLDER,
Attorney General of the
United States of America, *et al.*,)

Defendants.)

Civil Action No. **12 0014**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION TO CONVENE THREE-JUDGE COURT**

This memorandum is respectfully submitted in support of the foregoing Plaintiff's
Unopposed Motion to Convene a Three-Judge Court.

ARGUMENT

Plaintiff Prince William County, Virginia ("the County") has filed this action pursuant to Section 4 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973b. Plaintiff's action seeks a declaratory judgment from this Court granting the County an exemption, known as a "bailout", from the special remedial provisions of the Voting Rights Act.

A three-judge court is required under Section 4 of the Voting Rights Act: "A district court of three-judges shall be convened to hear and determine the action." See 42 U.S.C. §1973b.

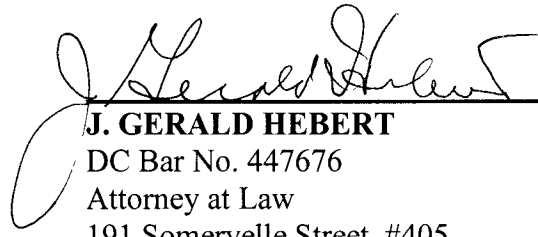
In other cases brought before this Court by jurisdictions under Section 4 of the Voting Rights Act, orders have been entered granting motions to convene three-judge courts, and requesting the convening of a three-judge court. See, *e.g.*, *Alta Irrigation*

District, California v. Holder, No. 11-0758 (D.D.C., Order entered April 27, 2011); See, e.g., *City of Manassas Park, Virginia v. Holder*, No. 11-0749 (D.D.C. Order entered April 21, 2011); *Rappahannock County, Virginia v. Holder*, No. 11-1123 (D.D.C. Order entered June 20, 2011); *Washington County, Virginia v. Mukasey*, No. 08-1112 (D.D.C., Order entered July 11, 2008); *Page County, Virginia v. Mukasey*, No. 08-1113 (D.D.C., Order entered July 11, 2008); *Middlesex County, Virginia v. Gonzales*, No. 07-1485 (D.D.C., Order entered August 21, 2007); *Augusta County, Virginia v. Gonzales*, No. 05-1885 (D.D.C., Order entered October 7, 2005); *City of Winchester v. Ashcroft*, No. 00-3073 (D.D.C., Order entered February 5, 2001); *Roanoke County, Virginia v. Reno*, No. 00-1949 (D.D.C., Order entered October 26, 2000); *Frederick County, Virginia v. Reno*, No. 99-0941 (D.D.C., Order entered May 10, 1999); and *City of Fairfax, Virginia, v. Reno*, No. 97-2212 (D.D.C., Order entered October 1, 1997). In all of the foregoing cases, three-judge courts have been convened to hear and determine the action.

CONCLUSION

For the reasons set forth above, Plaintiff respectfully urges this Court to grant the unopposed motion to convene a three-judge court. A proposed order is enclosed herewith.

Respectfully submitted,



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